

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450

Appl No.: 10/528321
Applicant: Stephen Guffanti

TC/A.U.: 3714
Examiner: Bruk A.
Gebremichael

Filed: 9/26/2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

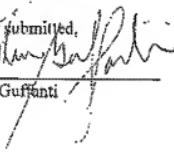
- 1) I am one of the co-authors of the book "Rocket Phonics," published on September 2, 2002.
- 2) The first edition of "Rocket Phonics" was titled "Powerfoniks: The Student's Handbook," and was created in February 2000. This edition was never available to the public.
- 3) Shortly after I created "Powerfoniks: The Student's Handbook," I printed 20 copies of the book, and I lent them to parents who took part in a study at UCLA. This study lasted for three months, and each of those parents signed a nondisclosure agreement, attached hereto as Exhibit A.
- 4) On August 15, 2001, I received a phone call from Dr. Catterall of UCLA, informing me of the results of the UCLA study, and specifically informing me that Powerfoniks was nearly 4 times faster than the control group for teaching reading. The results of that study were only sent to a few professors at UCLA and me.
- 5) In March, 2002, I decided to revise "Powerfoniks: The Student's Handbook" and wrote a second edition, called "Rocket Phonics." I renamed the book because other people were using the name "Powerfoniks." That second edition, like the first, was never available to the public. I only submitted the second edition to Cathy Duffy for review. Cathy Duffy is a publisher that worked for Grove Publishing at the time.
- 6) I revised the book a third time after receiving some feedback from Cathy Duffy, also calling it "Rocket Phonics."
- 7) I first advertised the book "Rocket Phonics" for sale on August 8, 2002, via our website <http://web.archive.org/web/>/<http://www.rocketphonics.com>
- 8) Our first sale of the third edition of the book, now called "Rocket Phonics" was in October 2002.
- 9) The patent provisional filed on September 16, 2002 is a correct and true copy of the third version of the book "Rocket Phonics" that was sold in October 2002. This book was also used to draft the patent application.

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Page:3/5

- 10) On September 8, 2003, I applied for a copyright on the third edition of "Rocket Phonics," filling out FORM TX provided by the copyright office. A true and correct copy of that copyright is attached hereto as Exhibit B.
- 11) When I filled out FORM TX, I mistakenly listed the date of publication as the date when I decided to draft a formal copy of "Rocket Phonics" to be published and sold to the public. However, now that I am aware of the legal definition of the word "publication," I am correcting the records at the copyright office using FORM CA, attached hereto as Exhibit C.
- 12) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By 
Stephen Guffanti

Submitted by,

By /Robert D. Fish/
Robert D. Fish
Reg. No. 33,880

CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement (this "Agreement") is made effective as of 6/19/00, between Stephen Guffanti, of 2250 Tierra Verde Rd., Vista, California 92084, and

_____ whose child is using PowrFoniks Student Handbook # _____.

In this Agreement, the party who owns the Confidential Information will be referred to as "Guffanti", and the party to whom the Confidential Information will be disclosed will be referred to as "the parents".

Guffanti is engaged in the development of a reading method for k through 12 curriculum. The parents are engaged in teaching their child. Guffanti has requested that the parents protect the confidential material and information which may be disclosed between Guffanti and the parents. Therefore, the parties agree as follows:

I. CONFIDENTIAL INFORMATION. The term "Confidential Information" means any information or material which is proprietary to Guffanti , whether or not owned or developed by Guffanti, which is not generally known other than by Guffanti and which the parents may obtain through any direct or indirect contact with Guffanti.

- A.* Confidential Information includes without limitation:
- business records and plans and other proprietary information.

- B.* Confidential Information does not include:
and any other information that both parties agree in writing is not confidential.

II. PROTECTION OF CONFIDENTIAL INFORMATION. The parents understand and acknowledge that the Confidential Information has been developed or obtained by Guffanti by the investment of significant time, effort and expense, and that the Confidential Information is a valuable, special and unique asset of Guffanti which provides Guffanti with a significant competitive advantage, and needs to be protected from improper disclosure. In consideration for the disclosure of the Confidential Information, the parents agree to hold in confidence and to not disclose the Confidential Information to any person or entity without the prior written consent of Guffanti. In addition, the parents agrees that:

- i. No Copying/Modifying.* The parents will not copy or modify any Confidential Information without the prior written consent of Guffanti.

- ii. Application to Employees.* Further, the parents shall not disclose any Confidential Information to any employees of the parents, except those employees who are required to have the Confidential Information in order to perform their job duties in connection with the limited purposes of this Agreement. Each permitted employee to whom Confidential Information is disclosed shall sign a non-disclosure agreement substantially the same as this Agreement at the request of Guffanti.

- iii. Unauthorized Disclosure of Information.* If it appears that the parents has disclosed (or has threatened to disclose) Confidential Information in violation of this Agreement, Guffanti shall be entitled to an injunction to restrain the parents from disclosing, in whole or in part, the Confidential Information. Guffanti shall not be prohibited by this provision from pursuing other remedies, including a claim for losses and damages.

III. RETURN OF CONFIDENTIAL INFORMATION. Upon receiving a written request the parents shall return to Guffanti all written materials containing the Confidential Information. The parents shall also deliver to Guffanti written statements signed by them certifying that all materials have been returned within five (5) days of receipt of the request.

IV. RELATIONSHIP OF PARTIES. Neither party has an obligation under this Agreement to purchase any service or item from the other party, or commercially offer any products using or incorporating the Confidential Information. This Agreement does not create any agency, partnership, or joint venture.

V. NO WARRANTY. Guffanti acknowledges and agrees that the Confidential Information is provided on an AS IS basis. Guffanti MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE CONFIDENTIAL INFORMATION AND HEREBY EXPRESSLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL Guffanti BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THE PERFORMANCE OR USE OF ANY PORTION OF THE CONFIDENTIAL INFORMATION. Guffanti does not represent or warrant that any product or business plans disclosed to Child U will be marketed or carried out as disclosed, or at all. Any actions taken by Child U in response to the disclosure of the Confidential Information shall be solely at the risk of Child U.

VI. LIMITED LICENSE TO USE The parents shall not acquire any intellectual property rights under this Agreement except the limited right to use set out above. The parents acknowledge that, as between Guffanti and the parents, the Confidential Information and all related copyrights and other intellectual property rights, are (and at all times will be) the property of Guffanti, even if suggestions, comments, and/or ideas made by the parents are incorporated into the Confidential Information or related materials during the period of this Agreement.

VII. GENERAL PROVISIONS. This Agreement sets forth the entire understanding of the parties regarding confidentiality. Any amendments must be in writing and signed by both parties. This Agreement shall be construed under the laws of the State of California. This Agreement shall not be assignable by either party, and neither party may delegate its duties under this Agreement, without the prior written consent of the other party. The confidentiality provisions of this Agreement shall remain in full force and effect after the effective date of this Agreement.

Information Owner:

Stephen Guffanti

By: _____

Date _____

Recipient:

By: _____

Date _____

FORM TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 5-821-543

TX5821543

EFFECTIVE DATE OF REGISTRATION

09 08 2003
Month Day Year

136659994

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TITLE OF THIS WORK ▼

1 Rocket Phonics. Help your child reach for the stars

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 NAME OF AUTHOR ▼

a Stephen Guffanti

Was this contribution to the work a "work made for hire"? Yes NoAUTHOR'S NATIONALITY OR DOMICILE
Name of Country USA
OR Citizen of USA
Domiciled in _____DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

7-2-51

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes", see detailed instructions

NOTE

Under the law of the United States, a work made for hire is generally the employer's (see Intrinsic Value). For any part of the work that was made for hire check Yes in the space provided and give the employer (or other person for whom the work was prepared) as Author of that part and leave the space reserved for dates of birth and death blank.

NAME OF AUTHOR ▼

b Maureen Guffanti

Was this contribution to the work a "work made for hire"? Yes NoAUTHOR'S NATIONALITY OR DOMICILE
Name of Country USA
OR Citizen of USA
Domiciled in _____DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

7-1-51

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
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NAME OF AUTHOR ▼

c Reading Curriculum with games*, illustrations and editing

NAME OF AUTHOR ▼

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Year Died ▼

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Pseudonymous? Yes No

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DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
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CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ▼
Stephen Guffanti
2250 Tierra Verde Rd

b

b

Phone (area and day/night telephone number) ► 760-727-7602
Email ► sauffanti@cox.net

Fax number ► 760-727-7610

CERTIFICATION I, the undersigned, hereby certify that I am the

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{ Author

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Stephen Guffanti, Maureen Guffanti Date ► 8-23-03

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X Stephen Guffanti

Maureen Guffanti

8

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page 2 of 2

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Page: 4/5



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EFFECTIVE DATE OF SUPPLEMENTARY REGISTRATION

Month Year

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Title of Work ▼

Rocket Phonics, Help your child reach for the stars

Registration Number of the Basic Registration ▼

TX0005821543

Year of Basic Registration ▼

2003

Name(s) of Author(s) ▼

Stephen Guffanti
Maureen Guffanti

Name(s) of Copyright Claimant(s) ▼

Stephen Guffanti
Maureen Guffanti

Location and Nature of Incorrect Information in Basic Registration ▼

Line Number 15 Line Heading or Description Date and Nation of First Publication

Incorrect Information as It Appears in Basic Registration ▼

August 15, 2001

Corrected Information ▼

August 8, 2002

Explanation of Correction ▼

When I first filled out FORM TX provided by the copyright office, I did not know the proper definition of the word

Location and Nature of Information in Basic Registration to be Amended ▼

Line Number Line Heading or Description

Amended Information and Explanation of Information ▼

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 • See attached instructions • Sign the name(s) above

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Page: 5/5

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FORM CA

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BASIC REGISTRATION YES NO

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Continuation of: Part B or Part C

"publication." August 15, 2001 was when I decided that I wanted to create a final draft of my book to publish for public sale, not when I had actually published a book. Prior to August 8, 2002, any versions of the book "Rocket Phonics" were only shown to a select group of individuals who were bound by a non-disclosure agreement. This book was not actually "published" to the public until August 8, 2002.

Correspondence: Give name and address to which correspondence about this application should be sent.

2603 Main St. Suite 1000
Irvine, CA 92614-4271

Phone: 949-943-8300

Fax: 849-943-8358

Email: andrew.mar@fishplaw.com

Deposit Account: If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name: _____

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Certification: I the undersigned, hereby certify that I am the: (Check only one)

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 Other copyright claimant Only authorized agent of

Name of author or office (copyright claimant, or owner of exclusive rights)
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name: Stephen Guffanti and Maureen GuffantiDate: 2-20-09Handwritten signature(s): Stephen Guffanti Maureen GuffantiHandwritten signature(s): Stephen Guffanti Maureen Guffanti

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envelope
to this
address:

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Organization <input type="checkbox"/>	Other <input type="checkbox"/>

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Registration	Registration of a musical work
Serial	Registration of a serial
Assignment	Assignment of a copyright
Transfer	Transfer of a copyright
Other	Other
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Co-Author	Co-Author
Contractor	Contractor
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